

*Extraordinary*



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**THE CHARTERED INSTITUTE OF BANKERS  
OF NIGERIA ACT, 2007**

**THE CHARTERED INSTITUTE OF BANKERS OF NIGERIA  
(DISCIPLINARY TRIBUNAL) RULES, 2018**



**ARRANGEMENT OF RULES**

*Rule :*

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S. I. No. 21 of 2018

**THE CHARTERED INSTITUTE OF BANKERS  
OF NIGERIA ACT, 2007**

**THE CHARTERED INSTITUTE OF BANKERS OF NIGERIA  
(DISCIPLINARY TRIBUNAL) RULES, 2018**

[21st Day of September, 2018]

Commence-  
ment.

**In exercise of the powers conferred upon me by paragraph 2(1) of Schedule 2 pursuant to Section 13(9) of the Chartered Institute of Bankers of Nigeria (CIBN) Act and of all other powers enabling me in that behalf, I, ABUBAKAR MALAMI, SAN, Attorney-General of the Federation hereby make the following Rules—**

**PART 1—CONSTITUTION AND PROCEDURES OF THE  
DISCIPLINARY TRIBUNAL**

1. These Rules shall be read, interpreted and applied harmoniously together with Schedule 2 of the Act.

Application.

2.—(1) The Chairman and other members of the Tribunal shall be appointed by the Council of the Institute in accordance with the powers conferred on the Council under section 13(8) of the Act.

Appointment  
of Chairman  
and other  
members of  
the  
Disciplinary  
Tribunal.

(2) The composition of the Disciplinary Tribunal shall be in accordance with the provisions of section 13(8) of the Act.

(3) The tenure of the Chairman and other members of the Tribunal shall be the same terms and conditions prescribed for members of the investigating panel.

3.—(1) Pursuant to section 13(7) of the Act, any complaint, written allegation or petition that relates to professional or ethical misconduct or breach of any of the provisions of the Banker's Code of Conduct in the Nigerian Banking Industry, shall be addressed to the Registrar or Chief Executive Officer of the Chartered Institute of Bankers of Nigeria, hereinafter referred to as "the Institute".

Reference  
to the  
Disciplinary  
Tribunal.

(2) Pursuant to section 13(1) and (3) of the Act, any complaint supported by relevant statement of the complainant or supported with available evidence, shall be forwarded within 5 working days to the Investigating Panel for a preliminary investigation and proper evaluation before referral to the Tribunal is made, if the need arises.

(3) The Panel shall carry out proper investigation relating to the allegation, including interview of the persons against to whom an allegation is made or any other relevant steps as may be necessary for proper investigation and where a *prima facie* case is established, the Panel shall prepare a report on



the basis of the complaint and forward it together with all the necessary documents considered by the Panel to the Tribunal through its Secretary.

(4) The Panel shall carry out proper investigation relating to every allegation, prepare and forward its report within 25 working days, except where there are reasonable limitative factors that may delay investigation, but not more than 30 days.

(5) Where investigation is concluded and the Panel is of the view that no *prima facie* case has been established, the Panel shall communicate in writing to the Secretary of the Tribunal and the petitioner or complainant that no *prima facie* case has been established and give its reasons.

Convening  
of the  
Tribunal.

4. Where the Panel's report reveals a *prima facie* case against the Respondent, the Secretary shall refer the Panel's report and the complaint thereof under rule 5 of these Rules to the Chairman of the Tribunal, who shall convene a meeting of the Tribunal, in accordance with rule 3 of these Rules for the purposes of hearing and determination of the complaint.

Composition  
and  
Proceedings  
of the  
Tribunal.

5. —(1) Where pursuant to the Report of any investigation Panel on any complaints of professional misconduct against the respondent and the case is referred to the Tribunal through the Secretary, such case shall be heard by the Tribunal appointed by the Council.

(2) Pursuant to the provisions of section 13(8) of the Act, the Tribunal shall be deemed to be properly constituted, where it consist of five members to form a quorum and any directive, determination or decision taken by the Panel shall be valid and binding, provided that the quorum shall consist of the three members who are not Council members.

(3) Where the Chairman is absent from the sitting of the Tribunal, other members present shall designate a member present to preside over the Tribunal's proceedings.

(4) Any member of the Tribunal who is absent in a proceedings for more than two times, shall not give judgment in such matter and proceedings, including case management or pre-trial proceedings.

(5) Any assessor appointed in accordance with paragraph 4(1) of Schedule 2 to the Act, shall sit with the Tribunal and it shall be the duty of such assessor to advise the Tribunal on questions of law arising in proceedings before it.

(6) Except where the Tribunal deliberates privately, the advice of an assessor on questions of law concerning evidence, procedure or as to compliance with the Act shall be tendered in the presence of every party or his representative.

(7) Where the advice of an assessor is tendered while the Tribunal deliberates privately, the assessor shall personally, as soon as may be possible, inform each party or his representative in writing of the question, which has been put to him by the Tribunal and of his advice thereon.

(8) Party or his representative shall be informed, where the advice tendered by an assessor privately has not been accepted.

6. The parties to any proceedings before the Tribunal shall include—

Parties  
to the  
proceedings  
before the  
Tribunal.

(a) the complainant or petitioners either in person or through his legal representative ;

(b) the bankers whose conduct constitute subject matter of the proceedings, who may appear either in person or represented by a legal practitioner of his choice ;

(c) a partnership firm and may appear through one of its partners ;

(d) a corporate entity and may appear through one of its directors, officers or employees ; or

(e) any other persons as may be required with the leave of the Tribunal to be joined and such person may appear subsequently and participate either in person or through legal representative of his choice in the proceedings.

7.—(1) Any notice or process filed at the Tribunal shall have endorsed on it the signature of the Secretary of the Tribunal and address for service of the party or parties within Nigeria.

Service of  
processes.

(2) A notice or process shall be deemed to have been properly served if delivered—

(a) personally to the respondent or his representative ;

(b) in the case of a partnership to a partner, an officer or representative of the partners ; or

(c) in the case of a company, to a director, secretary, or an officer of the company or its representative.

(3) Where personal service on a party cannot be effected after all reasonable effort has been made, the Tribunal may order substituted service to be effected by—

(a) advertisement in a newspaper circulating within the jurisdiction of the respondent ;

(b) delivery of the process to an adult person at the usual or last known place of residence or business of the party ;

(c) delivery of the process to a person who is an agent of the party ;

(d) pasting the process at a conspicuous part of the last known address or place of residence or business of the party ; or

(e) registered post or courier service.

(4) The Tribunal may dispense with proof of service, where the party served acknowledges receipt of the relevant process.

(5) Service of notices and processes shall be effected between the hours of six o' clock in the morning and six o' clock in the evening.

(6) Save in exceptional circumstances or as may be ordered by the Tribunal service may not be effected on either Saturday, Sunday or a Public Holiday.

Mode of entering appearance.

8.—(1) A respondent shall within 28 days after being served of a notice of hearing, enter an appearance by delivering to the Secretary of the Tribunal or other administrative officers of the Tribunal designated by the Tribunal to receive such process, a response acknowledging receipt of the notice of hearing and stating whether he intends to contests the allegations or not.

(2) Where the respondent intends to contest the allegations, shall state the reasons for doing so.

(3) A respondent who intends to rely on any evidence at the hearing of the case shall, file along with the reply a list of witnesses to be called at the hearing and copies of every document to be relied upon at the hearing.

(4) The respondent or his legal practitioner shall sign all processes emanating from him.

(5) On the receipt of the relevant documents, the Secretary of the Tribunal or other administrative officers of the Tribunal designated by the Tribunal to receive process shall stamp the copy of the respondent's response with the official stamp showing the date on which he received the documents.

(6) The proceedings of the Tribunal shall be recorded by the Secretary and signed by the Chairman or the presiding member.

Decision in the absence of a party and application for re-hearing.

9.—(1) Where any of the party is absent on the day of hearing or on any adjourned date and without any representation, the Tribunal may, upon proof of service on such party of the notice of hearing, proceed to the hearing or further hearing and determination of the case and shall deliver its decision according to the merit of the case.

(2) Where a case has been heard in default of the appearance of any of the party and decision has been delivered, the Tribunal may entertain an application from the defaulting party to set aside such decision and to re-open his case.

(3) Application for re-hearing under this rule shall be made in form 2 as specified in the Schedule to these Rules, supported with a statement setting out the facts upon which the applicant intends to rely.

(4) Where the Tribunal is satisfied that the case should be re-heard, may grant the application on such terms or otherwise as it may think fit in the circumstance.

(5) Any decision or order obtained, where a party fails to appear at the hearing may be set aside by the Tribunal upon such terms as may seem just.

(6) An application to set aside the decision of the Tribunal shall be made by a party within 14 days or such period as may be permitted by the Tribunal for good cause shown.

**10.—**(1) The Tribunal may give direction to add, substitute or remove a party as a complainant or respondent.

Addition,  
substitution  
and removal  
of parties.

(2) Where the Tribunal gives a direction under sub-rule (1) of this rule, it may give such consequential directions as it considers appropriate in the circumstance of the case.

(3) A person who is not a party may apply to the Tribunal to be added or be substituted as a party.

(4) Where a person who is entitled to be a party to the petition or complaint by virtue of any other enactment applies to be added as a party and the conditions applicable to that entitlement has been satisfied, the Tribunal shall give a direction, adding such person as either a complainant or respondent as the case may be.

**11.—**(1) Where after filing a notice of hearing, the respondent, being an individual, dies, becomes insane or is adjudged bankrupt, the proceedings before the Tribunal shall not abate but the Tribunal shall determine the case based on available documents before it.

Restriction  
on  
abatement of  
proceeding.

(2) Where after filing a notice of hearing, the respondent, being a company is wound up, the proceedings before the Tribunal shall not abate but may be continued by substituting in place of the respondent, the assignee, receiver or liquidator of such respondent company.

(3) Where the respondent could not attend a hearing due to ill health or any other justifiable reason, the hearing of the case could be adjourned to a further date not exceeding 28 days and a notice of the adjournment shall be served on the respondent or the legal representative, as the case may be.

(4) Where after the expiration of the adjournment, the respondent still could not attend the hearing, the proceedings before the Tribunal shall not abate but the Tribunal may further adjourn the matter if the justice of the case

so demands, or may proceed to determine the case based on available documents before it.

Directions  
and case  
management.

**12.**—(1) The Tribunal may give a direction in relation to the conduct or disposal of its proceedings at any time, including a direction amending, suspending or setting aside an earlier direction.

(2) The Tribunal may, without restricting the general powers in sub-rule 1 of this rule and rule 14 of these Rules—

(a) extend or abridge the time for complying with any rule, practice or directive, unless such extension or abridgement would inflict hardship or injustice on any of the parties or may be in conflict with provision of any enactment or rule under another enactment to which the Act is subordinated, provided a time limit ;

(b) consolidate or hear together two or more sets of proceedings or part of a proceeding, raising common issues or treat a matter, complaint or petition as a lead case whether under rule 15 of these Rules or otherwise ;

(c) permit or require a party to amend a document ;

(d) permit or require a party or another person to provide documents, information or submissions, which are relevant to the Tribunal or a party ;

(e) deal with an issue in the proceedings as a preliminary issue ;

(f) hold a hearing to consider any matter, including a case management issue ;

(g) decide the form of any hearing ;

(h) adjourn or postpone a hearing ;

(i) require a party to produce documents or exhibits for hearing ;

(j) require a party to provide a written argument ;

(k) decide the place and time of any hearing ;

(l) make requirements about documentation and inspection ; or

(m) stay proceedings or suspend the effect of its own decision pending the determination by a High Court of an application for permission to appeal against that decision.

Practice  
Directions.

**13.**—(1) The Tribunal may give such notice or make such direction concerning the practice or procedure of the Tribunal as are appropriate and consistent with these Rules.

(2) The Tribunal shall issue notice or direction given or made under sub-rule (1) of this rule under the authority of the Chairman.

14.—(1) Any irregularity arising from failure to comply with any provision of these Rules, a practice direction or a direction given under these Rules does not in itself render void the case or any step taken in the case.

Failure to comply with Rules. Practice Directions or Tribunal Directions.

(2) Where a party fails to comply with any requirement of these Rules, a practice direction or a direction given under these Rules, the Tribunal may take such action as the Tribunal considers just and equitable, which may include—

- (a) waiving the requirement ;
- (b) requiring the failure to be remedied ;
- (c) exercising its powers under rule 16 of these Rules ; or
- (d) otherwise barring or restricting a party's participation in the matter until the party remedies such failure.

(3) The Tribunal may not bar or restrict a party from participating in any case under sub-rule (2) of this rule without first giving the party an opportunity to make representations in relation to the proposed action.

15.—(1) Subject to the provisions of these Rules, the Tribunal may regulate its own procedure.

General powers of the Tribunal.

(2) The Tribunal may dispense with any requirement of these Rules in respect of notice, statement or other document, witness, service or time in any case, where it appears to the Tribunal that it is just and reasonable to do so.

16.—(1) This rule shall apply where—

Lead complaint, petition or matter.

(a) two or more complaints or matters have commenced an action before the Tribunal ;

(b) in each of the matter, the Tribunal has not made a decision finally disposing of all issues in the proceedings ; and

(c) the matters give rise to common or related issues of fact or law.

(2) The Tribunal may give a direction—

(a) specifying one or more matters falling under sub-rule (1) of this rule as a lead case ; and

(b) staying the other matters (i.e. related cases) falling under sub-rule (1) of this rule.

(3) Where the Tribunal makes a decision in respect of common or related issues—

(a) it shall send or deliver a copy of such decision to each party in the case or related cases ; and

(b) the decision shall be binding on all the parties, subject to sub-rule (4) of this rule.



(4) A party may not later than 25 working days commencing from the date on which the Tribunal sent or delivered a copy of a decision to a party under sub-rule (3)(a) of this rule, apply in writing for a direction that a decision sent to him does not apply to and is not binding on the parties on related matters.

(5) The Tribunal shall give directions in respect of matter, which are stayed under sub-rule (2)(b) of this rule, providing for the disposal of or further directions in those matters.

(6) Where a lead case collapsed, lapsed, compromised or is withdrawn before the Tribunal makes a decision in respect of common or related issues, the Tribunal shall give directions as to—

(a) whether another matter or other matters are to be specified as a lead case ; or

(b) whether any direction affecting such related case should be set aside or amended.

Consent  
Orders.

17.—(1) The Tribunal may, at the request of any of the parties, make a consent order, disposing off the Tribunal's proceedings and make such other appropriate orders as may be agreed by the parties, where it considers it appropriate.

(2) Notwithstanding any other provision of these Rules, the Tribunal need not hold a hearing before making an order under sub-rule (1) of this rule or give reason for making such an order.

Amendment  
of processes  
before the  
Tribunal.

18.—(1) Where in the course of a proceedings, it appears to any of the parties or the Tribunal that the complaint or response of any of the parties forwarded to it by the Secretary requires an amendment, the Tribunal may suo motu or after representation is made by the parties, may allow such amendment to be made and where the Tribunal suo motu raise the issue of amendment of any process before it, it shall give the parties opportunities to make representations as to the propriety of the amendment.

(2) Where an amendment is made to a complaint, the respondent shall be at liberty to amend its response, so as to adequately respond to the amendment made to the complaint.

Withdrawal.

19.—(1) Subject to sub-rule (2) of this rule, a complainant may give notice of withdrawal of a complaint or any part thereof and the respondent may also do likewise in respect of his response against a matter brought against him—

(a) by sending or delivering to the Tribunal a written notice of withdrawal at any time before a hearing to consider the disposal of the case or where the Tribunal disposed off the case without hearing ; or

(b) orally at the hearing. . .

(2) Notice of withdrawal shall not take effect unless the Tribunal consents to the withdrawal, which may be given subject to the order relating to cost or as the Tribunal deems fit.

(3) A party who withdrew his case may apply to the Tribunal for the case to be reinstated.

(4) An application under sub-rule (3) of this rule shall be made in writing and served on the Tribunal not later than 28 days from the date—

(a) on which the Tribunal received the notice under sub-rule (1) (a) of this rule ; or

(b) of the hearing at which the case was withdrawn orally under sub-rule (1)(b) of this rule.

(5) The Tribunal shall notify every party in the case in writing of either a withdrawal or reinstatement of a case under this rule.

**20.—**(1) The Tribunal shall strike out any matter either in part or whole brought before it, if it does not have jurisdiction over such matters.

Striking out of a case brought before the Tribunal.

(2) The Tribunal may strike out the whole or part of a matter where—

(a) the complainant has failed to comply with a direction given under these Rules relating to compliance ;

(b) the complainant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the matter fairly and justly ; or

(c) the Tribunal considers that there is no reasonable prospect of the complainant's case, or part of it, succeeding.

(3) The Tribunal may not strike out either in whole or part of any matter under sub-rule (1), (2)(b) or (c) of this rule without first giving the complainant the opportunity to make representations in relation to the proposed striking out.

(4) This rule applies to both complainant and respondent, except that reference to the striking out either in whole or in part thereof in the matter, is to be read as a reference to the striking out.

**21.—**(1) On the direction of the Chairman of the Tribunal, the Secretary shall fix a date for the hearing of the case and shall serve notice on each party to the proceedings.

Fixing and listing of hearing date and service of notice. etc by the Secretary.

(2) The hearing shall not, unless all the parties have agreed or the Tribunal has so ordered, take place earlier than 10 working days after service of such hearing notice.

(3) The Secretary shall serve on each party, copies of the report and all the complaint or petition prepared by the Panel and all other documents considered by the Panel.



(4) Service of any document on a banker whose conduct is the subject matter of the proceedings, may be effected either by handing the documents to him personally, by personal courier, vide electronic mail to the personal inbox of the relevant banker, whether in the body of the email or as an attachment or by sending it by registered post to the address recorded in the register maintained under section 10 of the Act.

Legal  
representatives.

**22.—**(1) A party may appear in person or engage the services of a legal practitioner to represent him in any proceedings before the Tribunal.

(2) If a party appoints a legal representative, that party shall send or deliver to the Tribunal written notice of the representative's name, address and a copy of such notice.

(3) The legal representative shall also send or deliver a copy of the notice referred to in this rule to the other party or parties in the proceedings.

(4) Anything permitted or required to be done by a party under these Rules, a practice direction or a direction given under these Rules, may be done by the representative of that party, except signing a witness statement.

(5) A party who receives due notice of the appointment of a legal representative—

(a) shall send or deliver to the legal representative any document, which at any time after the appointment, is required to be sent or delivered to the party in the proceedings ; and

(b) may assume that the legal representative is and remains authorised person to act on behalf of the party until the person receives a written notification to the contrary.

Holding of  
proceedings  
in public or  
private  
hearings.

**23.—**(1) Subject to sub-rules (2) and (3) of this rule, every finding, hearing and directions of the Tribunal shall take place or be pronounced in public.

(2) Any party or person who claims to be likely affected by the proceedings may seek a decision from the Tribunal that the hearing or part thereof be conducted privately on the grounds of—

(a) exceptional hardship ;

(b) exceptional prejudice, particularly but not limited to related proceedings pending before a court of competent jurisdiction between the parties or substantially all the parties in the proceedings before the Tribunal, whether civil or criminal ; or

(c) national security.

(3) Proceedings may be held in private place, where the parties consent to it, provided that any final decision or direction of the Tribunal shall be delivered in public.

24.—(1) The Tribunal may take decision prohibiting the disclosure from public of—

(a) classified information or document relating to any pending proceedings ; or

(b) any matter likely to lead members of the public to identify any person whom the Tribunal in its discretion thinks should not be identified.

(2) The Tribunal may give a direction, prohibiting the disclosure of a document or information to a person if—

(a) it is satisfied that such disclosure would likely cause the person or some other person serious harm ; and

(b) having regard to the interests of equity and justice, the Tribunal is satisfied that it is appropriate to give such direction.

25.—(1) The Tribunal may in the course of its proceedings, where necessary, hear witnesses and receive documentary evidence, which may in its opinion assist it in arriving at a conclusion as to the truth or otherwise of the allegations of misconduct referred to it by the Panel.

(2) As a general rule, parties are to provide and frontload evidence to be used in the proceedings and particularly evidence of a witness in the proceedings shall be by way of written witness statement duly signed.

(3) Oral evidence may be allowed in the course of hearing of the proceedings in addition to written statements already filed.

26.—(1) Without restriction on the general powers in rules 8, 11 and 21 of these Rules, the Tribunal may give directions in relation to proceedings before it as to—

(a) the exchange between parties of lists of documents, which are relevant to the proceedings or relevant to a particular issue, and the inspection of such documents ;

(b) the provision by the parties of statements of agreed matters ;

(c) issues on which it requires evidence or submissions ;

(d) the nature of the evidence and submissions it requires ;

(e) whether the parties are permitted or required to provide expert evidence, and if so whether the parties shall jointly appoint a single expert to provide such evidence ;

(f) any limit on the number of witnesses whose evidence a party may put forward at the hearing of the proceedings whether in relation to a particular issue or generally, without prejudice however to witness statements only in lieu of oral evidence by a witness ;

Prevention of disclosure or publication of documents and information.

Hearing of witnesses, sending and delivery of documents.

Disclosure, evidence and submissions.

(g) the manner in which any evidence or submissions are to be provided, which may include a direction for them to be given—

(i) orally at the hearing, in addition to any written statement already made in respect of evidence of witnesses ; or

(ii) by written submissions where a directive is given by the Tribunal in that regard ; or

(h) the time at which any evidence or submission is to be sent or delivered.

(2) The Tribunal may—

(a) admit evidence whether or not—

(i) the evidence would be admissible under the Nigerian Evidence Act for the time being in force or any other enactment not expressly excluded by the Evidence Act provided it is in the interest of justice and fair hearing ; or

(ii) the evidence was available to a previous decision maker ; or

(b) exclude evidence that would otherwise be admissible where—

(i) the evidence was not provided within the time allowed by a direction given under these Rules or a practice direction,

(ii) the evidence was otherwise provided in a manner that did not comply with a direction given under these Rules or a practice direction, or

(iii) it would otherwise be unfair, unreasonable, disproportionate or unnecessary in the interests of justice to admit the evidence.

(3) The Tribunal shall take all oral evidence on oath as may be administer by the Secretary or person directed by the Tribunal.

Written  
evidence.

27.—(1) Subject to rule 26 of these Rules, the Tribunal may in its discretion in respect of a case or any particular fact or facts, proceed and act solely upon documentary evidence inclusive of witness statements adduced by the parties, without any need for any further oral evidence.

(2) Every statement upon which a party proposes to rely on shall be sent or delivered to the Secretary of the Tribunal or other administrative officer authorised to receive such documents on behalf of the Tribunal and to all other parties not later than 7 days before the date fixed for the hearing of the case together with a notice in Form 1 as specified in the Schedule to these Rules.

(3) Any party on whom a notice has been served under sub-rule (2) of this rule, whose attendance is required at the hearing, shall not later than 5 days before the date of the hearing request, in writing, notify that the other party to present the witness at the hearing.

(4) Where none of the parties requires the attendance of a witness in accordance with the provisions of this rule, the Tribunal may accept statement made in evidence.

(5) If any party intends to call as a witness any person who has not produced a statement, shall not later than 5 days before the date fixed for the hearing, notify the Secretary and any other party to the proceedings of his intention and forthwith send or deliver a copy of a written proof of evidence to the other party and file five copies of the proof with the Secretary.

28. Where any person knowingly gives false evidence on oath before the Tribunal in the course of any proceedings, or wilfully makes false statement in any affidavit sworn for the purpose of any proceedings, the Tribunal may refer the matter to the Attorney-General of the Federation for further necessary action.

Penalty for giving false evidence.

29. The Tribunal may on its motion or upon an application of any of the party, adjourn the hearing of any matter on such terms as to costs or otherwise as the Tribunal may deem fit.

Adjournments.

30.—(1) The Tribunal shall hold a hearing on any matter brought before it before making a decision, unless where—

Decision with or without a hearing.

(a) the party has consented to the matter being determined without a hearing ; and

(b) the Tribunal is satisfied that it can properly determine the issues without a hearing.

(2) Notwithstanding any other provision in this rule, where the Tribunal holds a hearing to consider a preliminary issue and following the disposal of that preliminary issue to the extent tht no further issue remains to be determined, the Tribunal may dispose of the proceedings without holding any further hearing.

31.—(1) The Tribunal may announce its decision orally in the public at a hearing over a matter before it or may reserve its decision for announcement at a later date.

Decisions.

(2) Subject to section 14 (6) of the Act, the Tribunal shall provide to each party as soon as reasonably practicable after making a decision, which finally disposes of all issues in the proceedings relating to—

(a) an order stating the Tribunal's decision ;

(b) written reasons for the decision ; and

(c) notification of the right of appeal against the decision.

(3) The Tribunal may provide written reasons for any decision to which sub-rule (2) of this rule does not apply.

(4) An order under sub-rule (2)(a) of this rule shall be signed by relevant members of the Tribunal upon the announcement of the decision and shall, subject to sub-rule (5) of this rule be forwarded forthwith to the Council for confirmation.

(5) The Tribunal may suspend an order under sub-rule (2)(a) of this rule where it appears that there is a good reason to do so, in which event the time shall not start running for the purpose of confirmation and appeal.

(6) The Council shall confirm the decision of the Tribunal within 15 days and communicate same to the Tribunal and the parties or their legal representatives and until such confirmation; the decision of the Tribunal shall be unenforceable provided that—

(a) where the Council fails to communicate confirmation of the final decision of the Tribunal within 15 days, the decision shall be deemed to have been confirmed without further recourse to the Council ; and

(b) the Secretary shall ensure that the decision is duly publicized in accordance with the Rules of this Tribunal.

Findings of not guilty.

**32.** Where after hearing, the Tribunal adjudges that the allegations of misconduct in a professional respect have not been proved, it shall record a finding that the Respondent is not guilty of the matter to which the allegation relates.

Records of proceedings.

**33.—**(1) In the absence of or in addition to audio or electronic means of records, shorthand notes of proceedings may be taken by a person appointed by the Tribunal and any party who appeared at the proceedings shall be entitled to inspect the transcript.

(2) The Secretary shall supply to the Council, parties in the matter or any person entitled to be heard upon an appeal against the decision of the Tribunal, a copy of the transcript of the notes on payment of the charges as may be determined by the Tribunal, provided that; where a copy of the transcripts of the notes is made available to such persons or their legal representatives, they are under an obligation to keep same confidential until such document becomes public records by reason of publication, appeal and transmission of the records of the proceedings of the Tribunal.

(3) Where there is non-compliance with sub-rule (1) of this rule, the Secretary of the Tribunal shall take record of the proceedings and the provisions of this rule as to inspection and taking of copies shall apply to such records accordingly.

34. Subject to the provisions of section 14(7) of the Act, any direction given by the Tribunal in accordance with section 14(1) of the Act shall be published in the Federal Gazette as soon as such direction takes effect.

Publication of decisions of the Tribunal.

35. The Tribunal may order that any book or other exhibit, produced or used at a hearing be retained by the Secretary until the time within which an appeal may be entered has expired and if notice of appeal is given, until the appeal is heard or otherwise disposed off.

Retention of exhibits and books pending the institution of an appeal.

#### PART II—MISCELLANEOUS

36. The Tribunal may, without finding any misconduct proved against a respondent, order any party to pay the cost of the proceedings having regard to all the circumstances of the case.

Costs.

37.—(1) Where an act, a practice direction or a direction given under these Rules is required to be done on or by a particular day, it shall be done on or before 5pm of the said day.

Computation of time and extension of time.

(2) If the time specified by this rule, a practice direction or a direction given under these Rules for doing any act ends on a day other than a working day, the act shall be deemed done on time where it is done on the next working day.

(3) In these Rules “working day” means any day except Saturday and Sunday, any statutory or announced Federal Public Holiday or work free day arising from National strike, emergency rule etc.

(4) The Tribunal may in any given case extend the time to do anything under these Rules.

(5) Where by these Rules or any Order made by the Tribunal, any limited time for the performance of any act or the taking of any proceeding is not limited by hours, the following rules shall apply—

(a) the limited time shall not include the day of the happening of the event, but commences at the beginning of the following day ;

(b) the act or proceeding shall be done or taken at the last day of the limited time ;

(c) where the time limited is less than six days, Saturday and Sunday shall not be reckoned as part of the time ;

(6) The parties shall not by consent, enlarge or abridge any time prescribed by these Rules for taking any step, filing any document, or giving any notice.

(7) The Tribunal may, on such terms as it thinks just, by Order extend or abridge the period within which a person is required or authorized by these Rules, or by any decision, order or direction to do any act in any proceedings.



**38. In these Rules—**

“*Act*” means the Chartered Institute of Bankers of Nigeria Act No. 5 of 2007 ;

“*bank*” means a bank licensed in Nigeria under the Banks and Other Financial Institutions Act Cap B3, Laws of the Federation of Nigeria 2004 ;

“*banker*” means any person, whether or not registered as a member within the meaning of the CIBN Act, working for or in the employment of a bank or financial institution, who is involved in any aspect of the business of banking that is to say the business of receiving deposits, collecting cheques drawn for or against their customers, honouring cheques or orders drawn on customers’ accounts when presented for payment, keeping sundry accounts in their books in which the credits and debits are entered and granting loans or making provisions for finance to their customers as well as any person involved in banking education ;

“*Chairman*” means the Chairman of the Tribunal, and where the context admits, includes a member selected to preside at any sitting of the Tribunal ;

“*complainant*” means any person who makes an allegation of professional misconduct against a banker ;

“*Council*” means the Governing Council of the Institute within the meaning of section 5(1) and 22 of the Act ;

“*direction*” means any Order or other determination by the Tribunal other than a decision, and in relation to interim proceedings includes an order and a witness summons ;

“*hearing*” means a sitting by the Tribunal in exercise of the power to decide a case with or without an oral hearing or interim proceedings ;

“*Institute*” means the Chartered Institute of Bankers of Nigeria established under section 1 of the Act ;

“*member*” means any person who is registered or entitled, to be registered under the Act in any of the categories of the membership and extends to any other person, which the Act and Regulations made pursuant thereto shall recognize as being a member even though not registered ;

“*Panel*” means the Chartered Institute of Bankers of Nigeria Investigating Panel established pursuant to section 13 and Schedule 2 of the Act ;

“*party*” means the complainant, respondent or co-respondent ;

“*register*” means the register of cases, applications and decisions kept in accordance with these Rules ;

“*respondent*” means any person or persons against whom a complaint or petition is brought ;

“*response*” means an answer to the petition or complaint by the respondent ;

“*reply*” means a response to the answer of the respondent by the petitioner ;

“*Secretary*” means a person appointed to act as the Secretary of the Tribunal in accordance with rule 3 of these Rules ;

“*statement*” means a written statement including a witness statement containing a statement that the party putting forward or making the Statement believes the facts stated to be true ; and

“*Tribunal*” means the Chartered Institute of Bankers of Nigeria Disciplinary Tribunal.

39. These Rules shall be cited as the Chartered Institute of Bankers of Nigeria Disciplinary Tribunal Rules, 2018. Citation.

MADE at Abuja this 21st day of September, 2018.

ABUBAKAR MALAMI, SAN  
*Attorney-General of the Federation  
and Minister of Justice  
Federal Republic of Nigeria*



SCHEDULE  
FORMS  
FORM I

FORM OF NOTICE TO ACCOMPANY STATEMENT OF EVIDENCE

*[insert text of form here]*

Number : .....

IN THE MATTER OF THE CHARTERED INSTITUTE OF BANKERS  
OF NIGERIA (CIBN) DISCIPLINARY TRIBUNAL RULES, 2018

AND

IN THE MATTER OF .....

TAKE NOTICE THAT the [complainant] [respondent] proposes to rely upon the statement(s) listed below, copies of which are served herewith.

If you intend that any person who has made one of these statements be required to attend the hearing as a witness, you must not later than 9 days before the date set down for the hearing of the matter, notify the Secretary to the Tribunal to that effect. In the event of your failure to do so, the Tribunal may accept the statement in question in evidence.

LIST

Date of Statement	Name of Person who made the statement
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Date : .....

Signed : .....

Address : .....

FORM 2

FORM OF APPLICATION FOR A RE-HEARING

Number : .....

IN THE MATTER OF THE CHARTERED INSTITUTE OF BANKERS  
OF NIGERIA (CIBN) DISCIPLINARY TRIBUNAL RULES 2018

AND

IN THE MATTER OF .....

Number of the Tribunal case in respect of which a rehearing is requested :

I apply under rule 9(3) of the CIBN Disciplinary Tribunal Rules 2018 that the above mentioned case be reheard by the Tribunal. The facts upon which I rely in support of this application are set out below—

(set out full details of the facts on which the applicant for a rehearing relies and include the reasons why the person applying for the rehearing did not appear or was not represented before the Tribunal at the earlier hearing and set out all matters which he wishes to place before the Tribunal in mitigation or otherwise)

Date : .....

Signed : .....

Address : .....

FORM 3

The CHARTERED INSTITUTE OF BANKERS OF NIGERIA ACT  
NOTICE OF HEARING BY THE TRIBUNAL

IN THE MATTER OF A.B., BANKER

AND

IN THE MATTER OF THE CHARTERED INSTITUTE OF BANKERS  
OF NIGERIA ACT.

TAKE NOTICE that the report and charges prepared by the Chartered Institute of Bankers of Nigeria Investigating Panel in the above matter are fixed for hearing by the Chartered Institute of Bankers of Nigeria Disciplinary Tribunal at..... on the ..... day of ..... 20 .....

.....  
*Secretary to the Tribunal*

MADE at Abuja this 21st day of September, 2018.

ABUBAKAR MALAMI, SAN  
*Attorney-General of the Federation  
and Minister of Justice  
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Rules  
but is intended to explain its purport)*

These Rules prescribe the rules of proceedings to be observed by the Chartered Institute of Bankers of Nigeria Disciplinary Tribunal.